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14 **UNITED STATES DISTRICT COURT**  
15 **NORTHERN DISTRICT OF CALIFORNIA**  
16 **SAN FRANCISCO DIVISION**

18 NICOLAS C. SMITH-WASHINGTON, on behalf  
of himself and all others similarly situated,

19 Plaintiff,

20 v.  
21

22 TAXACT, INC.,

23 Defendant.  
24  
25  
26  
27  
28

Case No. 3:23-CV-00830-VC

Assigned to Hon. Vince Chhabria

**STIPULATION TO REMOVE  
EXHIBITS FROM THE DOCKET AND  
[PROPOSED] ORDER**

Date: July 20, 2023

Time: 10:00 a.m.

Place: Courtroom 4, 17th Floor

Case Removed: February 23, 2023

(Superior Court of California Alameda  
County, Case No. 23cv026204)

1 Plaintiff Nicolas C. Washington (“Plaintiff”) and Defendant TaxAct, Inc (“TaxAct”) submit  
2 this stipulated motion in accordance with Plaintiff’s request and Civil Local Rule 7-11 to remove  
3 from the Court’s docket: (1) Exhibit A to the Declaration of Mark Jaeger in Support of Defendant  
4 TaxAct’s Reply in Support of Motion to Stay Under 9 U.S.C. § 3 (“Mark Jaeger Initial  
5 Declaration”), Dkt. No. 33-2, which was filed on the public docket with redactions; and (2) Exhibits  
6 I and K to the Declaration of Mark Jaeger in Support of Defendant TaxAct’s Motion to Compel  
7 Arbitration and Stay Proceedings (“Mark Jaeger Declaration”), which were filed under seal, in  
8 unredacted form, on June 8, 2023, Dkt. Nos. 49-2, 49-3.

9 On May 4, 2023, TaxAct filed on the public docket Exhibit A to the Mark Jaeger Initial  
10 Declaration. *See* Dkt. No. 33-2. That exhibit contained redactions to Plaintiff’s Taxpayer  
11 Identification Number, Social Security number, and day of birth. On May 25, 2023, the Court denied  
12 without prejudice TaxAct’s Motion to Stay Under 9 U.S.C. § 3, for which that exhibit was filed in  
13 support. *See* Dkt. No. 44.

14 On June 8, 2023, TaxAct moved to file under seal the entirety of Exhibits I and K of the  
15 Mark Jaeger Declaration, which TaxAct identified as containing information that Plaintiff may seek  
16 to seal in this action. TaxAct filed unredacted versions of Exhibits I and K to the Mark Jaeger  
17 Declaration under seal, as an attachment to an Administrative Motion to File Under Seal. *See* Dkt.  
18 Nos. 49-2, 49-3. Exhibits I and K reflect Plaintiff’s personal information collected through his use of  
19 TaxAct’s services, including his Taxpayer Identification Number, Social Security number, driver’s  
20 license number, date of birth, and details of his log-in activity.

21 Plaintiff has now asked—and TaxAct has no objection to Plaintiff’s request—that the parties  
22 request this Court to remove the unredacted Exhibits I and K to the Mark Jaeger Declaration, which  
23 TaxAct filed under seal. Concurrently with this motion, Plaintiff and TaxAct are also filing a Joint  
24 Administrative Motion to File Under Seal Redacted Documents to introduce redacted versions of  
25 Exhibits I and K to the Mark Jaeger Declaration to the record. *See* Dkt. No. 53. Accordingly, the  
26 parties stipulate to remove the unredacted filed-under-seal Exhibits I and K to the Mark Jaeger  
27 Declaration (Dkt. Nos. 49-2, 49-3) from the Court’s Docket. The parties also stipulated to remove  
28

Exhibit A to the Mark Jaeger Initial Declaration, which was filed publicly with redactions (Dkt. No.33-2), from the Court's Docket.

Dated: June 9, 2023

Respectfully submitted,

/s/ Sheila A.G. Armbrust

Sheila A.G. Armbrust (SBN 265998)

SIDLEY AUSTIN LLP

*Attorney for Defendant TaxAct, Inc.*

Dated: June 9, 2023

/s/ Christina V. Tusan

Christina V. Tusan (SBN 192203)

HAMMONDLAW, P.C.

*Attorney for Plaintiff Nicolas C. Smith-Washington*

#### **FILER'S ATTESTATION**

Pursuant to Civil L.R. 5-1(i)(3), regarding signatures, I, Sheila A.G. Armbrust, attest that concurrence in the filing of this document has been obtained.

Dated: June 9, 2023

/s/ Sheila A.G. Armbrust

Sheila A.G. Armbrust

**[PROPOSED] ORDER**

Having considered the parties' Stipulated Administrative Motion, and for good cause shown, the Stipulated Administrative Motion to Remove Exhibits from the Docket is GRANTED. The unredacted filed-under-seal Exhibits I and K to the Declaration of Mark Jaeger in Support of Defendant TaxAct's Motion to Compel Arbitration and Stay Proceedings shall be removed from the Court's Docket.

**IT IS SO ORDERED.**

DATED: \_\_\_\_\_

\_\_\_\_\_  
HON. VINCE CHHABRIA  
United States District Court Judge